

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BRIAN WHITAKER,  
Plaintiff,

v.

JOHN J. SUSA, et al.,  
Defendants.

Case No. [21-cv-06402-WHO](#)

**ORDER TO SHOW CAUSE**

On November 3, 2022, I denied plaintiff Brian Whitaker's motion for default judgment without prejudice because one of the three defendants in this case, Mercado Los Reyes, had litigated the case and the matter against it had not been adjudicated. Dkt. No. 37. I wrote:

I expect that Whitaker and Mercado Los Reyes will timely complete the requirements of General Order 56. Once this case is resolved by mediation or litigation as to Mercado Los Reyes, I will entertain a renewed motion for entry of default judgment against the defendants in default.

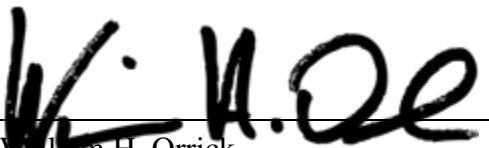
*Id.* at 2:13-15.

On February 22, 2023, Whitaker notified the court that he had reached a settlement with Mercado Los Reyes, but that the case against defendants John Susa and Annette Susa was still pending. Dkt. No. 42. As of today, he has not filed a renewed motion for default judgment, notice of settlement, or any other papers regarding the remaining defendants.

Whitaker is hereby ORDERED TO SHOW CAUSE why this matter should not be dismissed for failure to prosecute by filing a renewed motion for entry of default judgment or dismissing the remaining defendants **by April 18, 2023.**

**IT IS SO ORDERED.**

Dated: April 4, 2023

  
William H. Orrick  
United States District Judge